

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ANDREW J. R.,

Plaintiff,

5:18-CV-0018
(CFH)

v.

NANCY A. BERRYHILL, ACTING
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

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Attorneys for plaintiff

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Attorneys for defendant

LUCY WEILBRENNER, ESQ.

ORDER¹

Plaintiff Andrew J. R. brings this action pursuant to 42 U.S.C. § 405(g) seeking

¹ Parties consented to review of this matter by a Magistrate Judge pursuant to 28 U.S.C. § 636(c), Federal Rule of Civil Procedure 73, N.D.N.Y. Local Rule 72.2(b), and General Order 18. See Dkt. No.4

review of a decision by the Commissioner of Social Security ("Commissioner" or "defendant") denying his applications for supplemental security income benefits ("SSI") and disability insurance benefits. Dkt. No. 1 ("Compl."). Plaintiff moves for a finding of disability, and the Commissioner "requests remand of this case for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g)." Dkt. Nos. 9, 13. The Commissioner contends that remand is needed "because the Commissioner improperly failed to consider Plaintiff's episodes of decompensation." Dkt. No. 13 at 1.

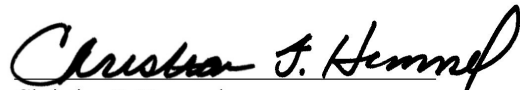
After review of the parties' filings, the Court finds that remand is appropriate. Accordingly, the matter will be remanded to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. 405(g) to allow for consideration of plaintiff's episodes of decompensation.

WHEREFORE, it is hereby

ORDERED, that plaintiff's Motion for Judgment on the Pleadings (Dkt. No. 9) is **GRANTED**, and the matter is **REVERSED** and **REMANDED** to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

Dated: February 21, 2019
Albany, New York


Christian F. Hummel
U.S. Magistrate Judge